

**REMARKS**

Claims 1-10 are all the claims pending in the application. Claims 1 and 5 have been amended for clarity and form.

**I. Claim Rejections - 35 U.S.C. § 112**

Applicant respectfully requests the Examiner withdraw the rejection under 35 U.S.C. § 112, ¶ 1 to claims 1-8 in view of the self-explanatory amendments presented above.

**II. Claim Rejections - 35 U.S.C. § 103**

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sakamoto (US 5,887,110) in view of Suzuki (US 7,072,571). Applicant respectfully traverses the rejection.

In the Office Action, the Examiner concedes that Sakamoto fails to teach or suggest “said selection means switches its selection from data in said second storage means to data in said first storage means when the picture quality degradation of re-encoded data from said data in said first storage means is less than a predetermined threshold.” (Office Action, Page 4 and 5). To make up for this deficiency, the Examiner cited columns 11 and 12 of Suzuki as teaching or suggesting this feature of the claim. (Id.) However, Applicant respectfully submits that Suzuki fails to teach or suggest this requirement of the claim.

The cited portion of Suzuki teaches the use of a lower performance video decoder during fast forward or rewinding operations (special reproduction) and the use of a delay memory during simple playback (normal reproduction). (Suzuki, Col. 11, Ln. 26 to Col. 12, Ln. 15). Applicant respectfully submits that this fails to teach or suggest **performing said switching “when the picture quality degradation of re-encoded data from said data in said first storage**

means is **less than a predetermined threshold.**” This is clear as **the switching in Suzuki between the video decoder and the delay memory is not in any way based on the “picture quality degradation” of the video data.** Rather, **the switching in Suzuki depends only on the reproduction mode (i.e., whether the video is in simple playback mode or fast-forward).**

(*Id.*) Further, Applicant respectfully submits that no other section of Suzuki teaches or suggests this requirement of the claim. As such, Applicant respectfully submits that the cited references fail to teach or suggest “said selection means switches its selection from data in said second storage means to data in said first storage means when the picture quality degradation of re-encoded data from said data in said first storage means is less than a predetermined threshold.”

Accordingly, Applicant respectfully submits that claims 1 would not have been obvious under 35 U.S.C. § 103(a) over Sakamoto in view of Suzuki, because the references, alone or in combination, do not teach or suggest all of the features and limitations of the claims.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1 and claims 2-4 at least by virtue of their dependency from claim 1.

Applicant further respectfully submits independent claims 5, 9, and 10 are patentable over the cited combination for the same or similar reasons. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 5, 9, and 10 and claims 6-8 at least by virtue of their dependency from claims 5.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111  
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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